

ITEM REVISED PLANNING PROPOSAL - 63-69 VICTORIA ROAD, 45 DAY STREET, 53 VICTORIA ROAD & 46 THORNLEY STREET, DRUMMOYNE

Department Community and Environmental Planning

Author Initials: KL

EXECUTIVE SUMMARY

In February 2016, Day St No. 1 Pty Ltd submitted a Planning Proposal to amend planning controls for land known as 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street in Drummoyne.

The Planning Proposal seeks to rezone part of the site from R2 Low Density Residential to B4 Mixed Use, increase the maximum building height from 8.5m to 14m and increase the floor space ratio (FSR) of 53 Victoria Road and 46 Thornley Street to 1.7:1; and 45 Day Street and 63-69 Victoria Road, Drummoyne to 2.1:1. Where a site area of 2,500m² is achieved, a bonus maximum height of 20m would apply to 63-69 Victoria Road and a Maximum FSR of 2.25:1 FSR would apply to the site.

The Planning Proposal was placed on public exhibition from Tuesday 11th December 2018 to Monday 28th February 2019 with a draft Development Control Plan and two draft Planning Agreements. The draft Planning Agreements propose to contribute to the improvement of facilities at the nearby Drummoyne Swimming Pool and Brett Park.

Fourteen (14) submissions were received following the exhibition of the Planning Proposal, draft Development Control Plan and two draft Planning Agreements. Key matters raised in submissions relate to traffic, parking, overdevelopment and overshadowing.

Following consideration of submissions and the outcomes of the recently adopted Urban Design Review for Victoria Road, it is recommended that minor amendments be made to the Planning Proposal and the associated Development Control Plan. Subject to these changes, it is recommended that Council endorse the amended Planning Proposal and Development Control Plan.

STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

EFF 4.2.1. Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

REPORT

Subject Site

The subject site comprises eight allotments that are bound by Day Street to the North West, Formosa Street to the south west, Thornley Street to the south and Victoria Road to the north east. The allotments which make up the 'site' are described below:

- 53 Victoria Road (Lots 6, 7 & 8 of DP 136422 and Lot 9, Section 6 of DP 862)
- 63-69 Victoria Road (Lot 10 DP 625084)
- 45 Day Street (Lots 1 and 2, Section 6 of DP 862); and
- 46 Thornley Street (Lot 10, Section 6 of DP 862)

The subject site is a rectangular parcel of land providing a total site area of 2,552m².



Figure 1: Subject Site (specifying Eastern and Western components)

Background

At the Council meeting of 20 September 2016, Council resolved:

1. *THAT the Planning Proposal for 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street, Drummoyne be amended prior to*

submission to the Department of Planning and Environment for a Gateway Determination to include the following changes:

- a) *Floor Space Ratio (FSR) of 2.1:1 and Height of Building (HOB) of 14 metres be applied to 63-69 Victoria Road and 45 Day Street, Drummoyne. Where a site area of 2,500m² is achieved, the FSR of 2.25:1 apply to the abovementioned sites and a HOB increase to 20m be permitted to 63-69 Victoria Road only.*
 - b) *Floor Space Ratio (FSR) of 1.7:1 and Height of Building (HOB) of 14 metres be applied to 53 Victoria Road and 46 Thornley Street. Where a site area of 2,500m² is achieved, the FSR of 2.25:1 apply to the abovementioned sites.*
2. *THAT the Voluntary Planning Agreement be drafted and exhibited concurrently with the Planning Proposal.*
 3. *THAT an amendment to the Canada Bay Development Control Plan be prepared for the subject site and exhibited concurrently with the Planning Proposal to include the following outcomes:*
 - a) *“Area D” envelope controls be applied to 63-69 Victoria Road and 45 Day Street, Drummoyne, with the 5th and 6th floor being possible where future development comprises a site area of 2,500m².*
 - b) *New envelope controls be prepared for 53 Victoria Road and 46 Thornley Street that facilitate a 3 storey street edge to Victoria Road and a 2 storey street edge to Formosa Street. An upper level setback of 5 metres be required above the second floor on the Formosa Street frontage.*
 4. *THAT the Planning Proposal for 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street, Drummoyne be submitted to the Department of Planning and Environment for Gateway Determination with an addendum including a detailed site investigation.*
 5. *THAT Council request delegation from the Department of Planning and Environment to manage the plan making process.*
 6. *THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.*
 7. *THAT Council note that should the Planning Proposal proceed to exhibition, that following consideration of any submissions, the Planning Proposal will be reported back to Council.*

Local Planning Panel

On the 23 February 2018 a Local Planning Panels Direction – Planning Proposals was issued which required all Planning Proposals to be considered by a Local Planning Panel, prior to being submitted to the Department of Planning and Environment for Gateway Determination.

The Planning Proposal was presented to and considered by the Local Planning Panel on the 18 June 2018, with minutes provided as *Attachment 2*.

On consideration of the Planning Proposal, the Local Planning Panel supported recommendations of Council and provided the following:

THAT the Panel concurred with Council's resolution of 20 September 2016 with minor amendments as set out below:

1. *THAT the Planning Proposal for 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street, Drummoyne be submitted to the Department of Planning and Environment for a Gateway Determination which is to include the following changes:*
 - a) *Floor Space Ratio (FSR) of 2.1:1 and Height of Building (HOB) of 14 metres be applied to 63-69 Victoria Road and 45 Day Street, Drummoyne. Where a site area of 2,500m² is achieved, the FSR of 2.25:1 apply to the abovementioned sites and a HOB increase to 20m be permitted to 63-69 Victoria Road only.*
 - b) *Floor Space Ratio (FSR) of 1.7:1 and Height of Building (HOB) of 14 metres be applied to 53 Victoria Road and 46 Thornley Street. Where a site area of 2,500m² is achieved, the FSR of 2.25:1 apply to the abovementioned sites.*
2. *THAT the Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal.*
3. *THAT an amendment to Canada Bay Development Control Plan be prepared for the subject site and exhibited concurrently with the Planning Proposal to include the following outcomes:*
 - a) *“Area D” envelope controls be applied to 63-69 Victoria Road and 45 Day Street, Drummoyne, with the 5th and 6th floor being possible where future development comprises a site area of 2,500m².*
 - b) *New envelope controls be prepared for 53 Victoria Road and 46 Thornley Street that facilitates a 3 storey street edge to Victoria Road and a 2 storey street edge to Formosa Street. An upper level setback of 5 metres be required above the second floor on the Formosa Street frontage.*

4. *THAT if the Planning Proposal for 63-69 Victoria Road, 45 Day Street, 53 Victoria Road and 46 Thornley Street, Drummoyne proceeds to the Department of Planning and Environment for Gateway Determination that it include an addendum with a detailed site investigation for contamination.*

The amended Planning Proposal documentation and Development Control Plan were updated to reflect the recommendations of the Local Planning Panel and submitted for Gateway Determination.

Gateway Determination

Gateway determination was received on the 24th October 2018.

In response to the Council resolution of the 20th September 2016, the following additional information was placed on public exhibition:

- Planning Proposal
- Two signed Planning Agreements
- Draft Development Control Plan
- Detailed Site Investigation and Remediation Action Plan

Public Exhibition

The Planning Proposal was placed on public exhibition from Tuesday 11 December 2018 until Monday the 28 February 2019, extending past the minimum 28 days required.

A public notice was placed in the local newspaper and on Council's website and a copy of the Planning Proposal (and supporting documentation), draft Development Control Plan and the draft Planning Agreement were made available for viewing at the Council Administration Centre in Drummoyne.

Fourteen (14) submissions were received following the exhibition of the Planning Proposal, draft Development Control Plan and draft Planning Agreement. Thirteen (13) submissions were received from the general public and one (1) submission was received from a public authority, being Roads and Maritime Services (RMS).

Additional information

To address matters raised within submissions, the following information was requested to be provided by the applicant following the public exhibition:

- Road Widening – The applicant was advised that RMS sought to compulsorily acquire a small splay on the corner of 53 Victoria Road. In response, the applicant submitted a letter to Council confirming support

for the proposed SP2 Infrastructure zone to be applied to the 5sqm on the eastern corner of the site.

- Traffic and Transport Study – An updated Traffic and Transport Study, prepared by Traffix Traffic and Transport Planners was submitted to council.
- Overshadowing – Additional site survey field work and a subsequent Shadow Analysis Report was prepared and submitted to council.

Matters for Consideration

Discussion is provided below in response to key matters raised in the submissions.

Traffic

Submissions raised concern that any additional development on the site would cause increased traffic and congestion on the local road network, particularly during peak commuter hours and during specific shopping/sale events at the Birkenhead Point shopping centre.

Council notified Roads and Maritime Services (RMS – now known as Transport for NSW) when the matter was placed on public exhibition. RMS advised that they raised no objection to the Proposal. RMS did however request that Council consider a number of matters as part of its assessment of the Planning Proposal.

RMS identified that the subject property is affected by a road proposal as shown on *Attachment 15*. The road proposal affects a parcel with an approximate area of 5m² on the eastern corner of Lot 8 DP 136422. It was requested that the area affected by the road proposal be identified on the Land Zoning Map and be shown as a classified road on the Land Reservation Acquisition Map under the Canada Bay Local Environmental Plan 2013.

RMS also made the following specific comments with respect to Traffic and Transport:

1. The traffic study should include an assessment of the impacts of the additional traffic at key intersections on the surrounding road network. The assessment should compare traffic generation potential under the existing planning controls compared with the additional traffic generated by the maximum likely yield under proposed controls. This should include SIDRA modelling of at least the following intersections:
 - a. Victoria Road/Day Street
 - b. Victoria Road/Park Avenue
2. Higher pedestrian numbers should be utilised in the AM and PM peak periods together with allowance for adequate red arrow pedestrian protection during peak periods for any signalised intersections in the

model to accurately reflect the site conditions and how the signals would operate.

3. It is unclear where the future access points are proposed to be located. Roads and Maritime requests that access controls in the Development Control Plan for the site require under vehicular access points are located as far as practical away from the Victoria Road intersections. Roads and Maritime supports the access control which states that no vehicle access will be permitted from the active street frontage (Victoria Road).
4. It is noted that the current study obtained counts from a traffic report prepared in March 2015 by Colston Budd Hunt & Kafes Traffic and Parking Report for Proposed Mixed Use Development, 77-105 Victoria Road Drummoyne which is considered to be outdated. The 2015 counts should be validated for the current year by undertaking surveys.

In response to feedback from RMS, the Land Use Zoning and Land Reservation Acquisition Maps have been updated to illustrate the proposed road reservation on the corner of Victoria Road and Thornley Street.

In response to submissions from residents and RMS, an additional Traffic Study was submitted by the applicant. New traffic surveys were undertaken to address requirements outlined by RMS and comparisons were made between existing and potential traffic generated by the maximum likely yield under proposed controls at key intersections, including Victoria Road/Day Street and Victoria Road/Park Avenue.

The outputs of the modelling concluded that the Victoria Road/Park Avenue intersection and the Victoria Road/Day Street would result in a negligible increase in delay for these intersections of under 0.5 seconds as a result of the proposed development. RMS was consulted regarding the results of the traffic study and it is considered that the negligible increase in delay is acceptable given the availability of public transport along Victoria Road and the location of the site in relation to access to services and facilities.

With respect to the location of the proposed access points, it is noted that RMS prefer that access points be located as far as practicable away from the Victoria Road intersections. The draft Development Control Plan identifies that "Vehicle access points are not permitted in areas indicated as active street frontage". The Active Street Frontage Map identifies the Victoria Road frontage as well as the corners wrapping around to Day Street and Thornley Street.

Overdevelopment

Submissions raised concern in relation to the amount of development that has occurred in Drummoyne and the scale of the proposal, including that:

- Existing buildings have set a poor precedent for excessively large developments.
- Additional development of the scale proposed will reduce the amenity of the area and dominate the skyline.

A draft Development Control Plan (draft DCP) was prepared and publicly exhibited with the Planning Proposal.

The development controls proposed for the subject site sought to provide an outcome where future buildings would transition down in height from the adjacent maximum building height of six (6) storeys to the north/east (being the block bounded by Victoria Road, Church Street, Formosa Street and Day Street), to the adjacent two (2) storey building height to the rear (interfacing Formosa Street) and south-eastern frontages (interfacing Thornley Street).

The maximum building heights envisaged by the Planning Proposal would permit a building envelope with a maximum height of 14m and the opportunity for the site to achieve a maximum height of 20m (6 storeys) on 63-69 Victoria Road, Drummoyne.

In response to submissions and the outcome of the Drummoyne Urban Design Study, minor changes are recommended to the Planning Proposal to provide consistency with Victoria Road precinct controls, to ensure future development achieves the expected building height interfaces to surrounding streets. These changes are summarised below:

- The inclusion of variable building heights within the Local Environmental Plan as well as in the Development Control Plan. This approach will ensure greater certainty in relation to the application of planning controls through the development approval process.
- A maximum building height of 8.5m that is 6m deep along both Thornley Street and Formosa Street;
- A maximum building height of 11m (3 storeys) for the remainder of sites facing Formosa Street;
- A maximum building height of 14m (4 storeys) for properties facing Victoria Road with a bonus height of up to 20m (6 storeys) for the corner of Day Street and Victoria Road if the overall development site is greater than 2,500sqm.

The following table provides a summary of Exhibited and Recommended maximum building heights:

Site Address		
	Exhibited	Recommended

63-69 Victoria Rd	14m Plus a site specific clause that would permit the height to increase to 20 metres where a minimum site area of 2,500m ² is achieved.	14m Plus a site specific clause that would permit the height to increase to 20 metres where a minimum site area of 2,500m ² is achieved.
45 Day St	14m	- 8.5m with 6m upper level setback to Formosa St; - 11m for remainder of site.
53 Victoria Rd	14m	- 8.5m with a 6m upper level setback to Thornley Street (Lot 8 adjacent to Thornley Street) - 14m (Lot 6 & 7 fronting Victoria Road) - 11m (Lot 9, Sec 6, DP 862) with 8.5m and 6m upper level setback to Thornley Street
46 Formosa St	14m	- 8.5m with 6m upper level setback Formosa St & Thornley St; - 11m for remainder of site.

The above changes will also be reflected in the Local Environment Plan Height of Building Map and the Canada Bay Development Control Plan (excerpt from DCP provided below).



Carparking

Concerns raised during the exhibition period included:

- Increased pressure on local on-street parking;
- Request for provision of two dedicated spaces per apartment to reduce impact on on-street parking;

The Proposal seeks to provide 75 car park spaces within the proposed development. Council's Development Control Plan (DCP) provides maximum parking rates in the B4 Mixed Use Zone that range from 0.6 spaces for a 1 bedroom apartment to 1.4 spaces for 3 bedroom apartments. The proposal is consistent with the requirements of the Canada Bay DCP.

During the preparation of the Drummoyne Urban Design Study, concerns were raised with respect to the high levels of local traffic and difficulty with parking,

particularly when there is an increased demand through a sale event or the like at Birkenhead Point Shopping Centre.

The *Drummoyne Commercial Parking Study and Assessment* and *Birkenhead Point Area Parking and Traffic Study and Assessment* were prepared to assess the existing conditions and provide recommendations to address known impacts with respect to traffic and parking matters in the Drummoyne and Birkenhead Point areas.

Recommendations within the reports include reducing the demand for car parking and specifically, providing mechanisms over the long term to encourage modal shifts from private vehicles to public and active modes of transport. This seeks to encourage residents and employers/employees to better utilise public transport and car share options as well as including short term recommendations such as introducing traffic controllers to better manage peak traffic events for improved traffic flow.

The site is located on Victoria Road, adjacent to a commuter bus stop with frequent services to the city and key surrounding centres. In addition, the site is located within a centre that provides a variety of essential and non-essential services and facilities to support the local population. It is intended that the use of the maximum parking rate will be enforced in this location to ensure the number of additional cars generating further local traffic and demand for car parking is minimised and the use of public transport is maximised.

Overshadowing

Submissions raised concerns relating to the potential for overshadowing as a result of the proposed development reducing the amount of sunlight to properties located between Formosa Street and Victoria Road, south west of the site.

The Canada Bay DCP requires that direct solar access (sunshine) be provided to windows of principal living areas and to the principal area of open space of dwellings, adjacent to commercial zones is not reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.

Following the public exhibition period, an additional overshadowing report was prepared by the Applicant, illustrating the impact on residences south and west of the subject site. Figures below show overshadowing experienced at 10am, 11am, 12noon and 1pm and confirm that direct solar access is not reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.



10AM - PROPOSED PLAN



11AM - PROPOSED PLAN





12PM - PROPOSED PLAN



1PM - PROPOSED PLAN

B4 Mixed Use Zone

On the 14 September 2018, an amendment to the Canada Bay Local Environmental Plan 2013 was made, which removed *Residential flat buildings* as

a permitted use within the B4 Mixed Use zone. This change to the permitted uses in the B4 Mixed Use zone impacts upon the subject Planning Proposal which was submitted prior to the gazettal of this amendment. The consequence of the amendment for the subject Planning Proposal is that commercial uses will be required on the ground floor of any future development on the site and any residential uses must occur on the first floor and above.

A review of approved and recently constructed buildings in the B4 Mixed Use zones found developments had minimised commercial uses (retail/office and other non-residential floor space) to an extent that the commercial component comprised less than 20% of gross floor area on the ground floor.

At the time, the only requirement for commercial uses to be included within the B4 Mixed Use zone was the Active Frontage Clause of the Canada Bay LEP that required non-residential uses directly adjacent to the main street frontage. Often spaces that were designed to meet the Active Street Frontage requirement were too small to enable a flexible variety of retail, office or other non-residential uses to be accommodated over the life a building. Where buildings are not designed to accommodate ground floor commercial uses or are strata subdivided, it was often difficult to convert residential floor space back to commercial floor space in the future.

The B4 Mixed Use zones in Canada Bay provide important local services for the growing Canada Bay community. It is important to ensure that as the community grows, there continues to be sufficient commercial floor space to provide for the needs of the growing resident population. As a minimum, the ground floor of all new development in B4 Mixed use zones should be protected for the purpose of commercial uses.

It was apparent that the inclusion of residential flat buildings in the B4 Mixed Use zone had seen commercial and retail uses being minimised and residential floor space being maximised.

Any future development on the subject site that seeks to include residential development will be required to comply with the definition of shop top housing within the Canada Bay Local Environmental Plan 2013. This definition will require the residential component of a building to be located above ground floor commercial or retail uses.

Victoria Road Urban Design Study

Across late 2018 and 2019 an urban design review was undertaken for the Victoria Road shopping strip.

Submissions received by the public during the public exhibition for the Urban Design Review expressed concern in relation to the timing of the Planning Proposal, which was progressing prior to the finalisation of the Victoria Road Urban Design Study.

The lodgement of the Planning Proposal pre-dated the preparation of the Victoria Road Urban Design Study as outlined below:

- 16 February 2016 - Planning Proposal lodged with Council.
- Period of March to August 2016 – Assessment undertaken by Council including Urban Design peer review & recommended planning controls (Studio GL).
- 20 September 2016 – Planning Proposal supported for progression to Gateway Determination.
- 24 October 2018 – Gateway Determination from the (now) Department of Planning, Industry and Environment. The Gateway Determination includes a condition that Council to finalise the LEP within 12 months.

The Victoria Road Urban Design Review was initiated by a Mayoral Minute that was endorsed by Council at a Council meeting on 10 July 2018. Early engagement for the Urban Design Review occurred in October 2018.

Due to concerns raised during the public exhibition for the Urban Design Review, Council delayed the finalisation of the Planning Proposal until after the endorsement was received for the final Drummoyne Urban Design Review Report to ensure that outcomes of the Planning Proposal assessment were consistent with final recommendations of the review.

To this extent, minor built form changes to the building envelope for the subject site are recommended to ensure consistency with recommendations of the review.

Contamination

Prior to public exhibition, a Detailed Environmental Site Investigation was required to be prepared to confirm that the site is suitable (or will be suitable, after remediation) for the proposed use.

An updated Additional Contamination Assessment (ACA) and Remedial Action Plan (RAP) (Report No 13585/5-AA, 14 August 2018), was prepared and placed on public exhibition concurrently with the Planning Proposal. The updated document confirmed that once the RAP has been implemented and validated, it will render the site suitable for the proposed development.

On review of the report by Council staff, the following recommendations were provided:

It is considered likely that the site is capable of being made suitable for the proposed development if the amended RAP (and DSI) is implemented noting the following comments:

- *Insufficient detail is provided regarding the need for intrusive investigation associated with groundwater quality and soil vapour in relation to the USTs with respect to both site suitability and potential for off-site migration of contaminants.*
- *The contaminants of potential concern related to the UST must also be considered as part of the OHS plan for the site.*
- *Insufficient detail is provided regarding the specific method, sample handling and frequency of validation testing for asbestos in soil and air (i.e. as required by NEPM (2013) / WA DoH (2009) and legislation and Codes of Practice relating to asbestos).*

It is considered that the above items, together with any other contamination related matters, could be captured as part of the NSW EPA accredited Contaminated Site Auditor process. Consequently, the DA must condition requirement for a Site Audit Statement (SAS) and Site Audit Report (SAR) prior to issue of the construction certificate.

It is recommended that any Development Application consider the recommendations of the updated Additional Contamination Assessment (ACA) and Remedial Action Plan (RAP) and require a Site Audit Statement (SAS) and Site Audit Report (SAR) prior to the issue of the construction certificate as a future condition of consent.

Planning Agreement

The resolution of the 20th September 2016 sought that, *a Voluntary Planning Agreement be drafted and exhibited concurrently with the Planning Proposal.*

Due to the fragmented ownership of the 'site', two Planning Agreements were negotiated between the Landowners and Council for:

- 45 Day Street, Drummoyne and 63-69 Victoria Road, Drummoyne; and
- 53 Victoria Road, Drummoyne.

The Planning Agreements seek to provide an estimated monetary contribution of \$1,200,000 for the purpose of improving and upgrading community facilities at Drummoyne Swimming Pool and Brett Park. Specific works include re-building the toilet block in Brett Park and improvements to the BBQ area, training equipment and playground.

Submissions provided within the public exhibition period suggested that funds received from the Planning Agreement could be re-directed from the renewal of the public toilet block towards creating a new footpath near Sisters Avenue and the re-turfing of Brett Park due to work having already occurred to the existing toilet block. This input in relation to the improvements to Brett Park are acknowledged and appreciated. Consideration will be given to the inclusion of

the suggested works as potential items to be included in the development contributions plan as these plans are currently under review.

The minor works that were made to the existing toilet block related to necessary maintenance to ensure the toilet remained in operation and was safe for public use. The work was not intended as a renovation or upgrade to the block and it is recommended that Council proceed with investigating the replacement of the toilet block, with consideration of a more appropriate location and improved facility.

It is recommended that the Planning Agreements be endorsed by Council and executed prior to the making of the LEP.

Conclusion

The Planning Proposal is seeking to amend the Canada Bay LEP 2013 to rezone certain land at 63-69 Victoria Road, 45 Day Street, 53 Victoria Road & 46 Thornley Street, Drummoyne to B4 Mixed Use and increase the permitted height and floor space ratio on the site. LEP maps have been updated and an amendment to the Development Control Plan has been prepared to provide a detailed building envelope for the land.

Following the exhibition of the Planning Proposal and consideration of submissions, it is recommended that minor amendments be made to the Planning Proposal so as to ensure that the scale of future development on the site delivers outcomes consistent with the Victoria Road Urban Design Review and the expectations of the community. Subject to these minor amendments, it is considered appropriate to finalise the Planning Proposal through an amendment to the Canada Bay Local Environmental Plan 2013 and the adoption of the amended Canada Bay Development Control Plan.

Financial Impact

Nil

RECOMMENDATION

1. THAT Council note the outcome of the public exhibition period.
2. THAT the Planning Proposal be endorsed for finalisation as shown within the draft LEP Land Use Zone Map (Attachment 9), draft LEP Height of Building Map (Attachment 10), draft LEP Floor Space Ratio Map (Attachment 11) and draft LEP Land Reservation Acquisition Map (Attachment 12).
3. THAT the draft Canada Bay Development Control Plan be endorsed by Council to become effective upon the date of gazettal of the amendment to the Local Environmental Plan.

4. THAT the draft Planning Agreements (Attachments 6 and 7) be executed prior to the making of the LEP.
5. THAT the applicant and submitters be advised of Council's determination.
6. THAT the General Manager be given delegation to make any minor amendments to the Planning Proposal necessary to enable finalisation.

Attachments:

1. Reports and Minutes of Council meetings
2. Report and Minutes of Local Planning Panel (previous IHAP)
3. Gateway Determination – 24 October 2018
4. Planning Proposal – As submitted by the Applicant (To be circulated under separate cover)
5. Addendum to Planning Proposal
6. Draft Planning Agreement & Explanatory Note(63-69 Victoria Rd, 45 Day St)
7. Draft Planning Agreement & Explanatory Note (53 Victoria Rd, 45 Day St)
8. Updated Additional Contamination Assessment and Remedial Action Plan
9. Draft LEP Land Use Zone Map
10. Draft LEP Height of Building Map
11. Draft LEP Floor Space Ratio Map
12. Draft LEP Land Reservation Acquisition Map
13. Canada Bay LEP 2013 – Draft Clause 4.3 Height of Building and Draft Clause 4.4 Floor Space Ratio
14. Draft Canada Bay Development Control Plan
15. RMS Submission
16. Summary of submissions
17. Additional information provided by Applicant (Cover letter, Overshadowing Report, Traffic Study)
18. Planning Proposal Design Report and SEPP 65 Design Principles and ADG Compliance Assessment
19. Drummoyne Commercial Parking Study and Assessment
20. Birkenhead Point Area Parking and Traffic Study and Assessment

Note: Attachments will be circulated separately from the Agenda. A copy of the attachment will be available for viewing on Council's website and at the Canada Bay Civic Centre, Drummoyne.

**ITEM REVISED PLANNING PROPOSAL - 63-69 VICTORIA ROAD, 45
DAY STREET, 53 VICTORIA ROAD & 46 THORNLEY STREET,
DRUMMOYNE**

The following person addressed Council regarding this Item:

Mr A Wilson, representing Day St No 1 Pty Ltd.

RESOLVED

(Crs Parnaby/Megna)

7. THAT Council note the outcome of the public exhibition period.
8. THAT the Planning Proposal be endorsed for finalisation as shown within the draft LEP Land Use Zone Map (Attachment 9), draft LEP Height of Building Map (Attachment 10), draft LEP Floor Space Ratio Map (Attachment 11) and draft LEP Land Reservation Acquisition Map (Attachment 12).
9. THAT the draft Canada Bay Development Control Plan be endorsed by Council to become effective upon the date of gazettal of the amendment to the Local Environmental Plan.
10. THAT the draft Planning Agreements (Attachments 6 and 7) be executed prior to the making of the LEP.
11. THAT the applicant and submitters be advised of Council's determination.
12. THAT the General Manager be given delegation to make any minor amendments to the Planning Proposal necessary to enable finalisation.

(FOR: Crs Di Pasqua, Ferguson, Jago, Megna, Parnaby, Ramondino and Tsirekas)
(AGAINST: Cr Little)